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SUBJECT: PANAMA NAMES NEW ELECTORAL MAGISTRATE

REF: PANAMA 2207

¶1. (SBU) In a move seen as an affront to President Torrijos, the Supreme Court named electoral prosecutor and dual American citizen Gerardo Solis as its pick for the three-magistrate Electoral Tribunal. Solis, who began his six-year term November 13, was rumored to be the choice of former Presidents Perez Balladares and Moscoso, who allegedly wanted a magistrate loyal to them. FM Lewis had told the Ambassador before the nomination that Torrijos was very concerned about Solis and the ex-presidents' actions (reftel). The president's political advisor Leonel Solis (no relation) told POLOFF separately that Torrijos had tried to "kill the nomination" of Gerardo Solis. The Court's choice clearly goes against Torrijos's wishes. (Note: The Supreme Court voted 5-4 in favor of Solis. The five justices who voted for Solis were all nominated to the Court by either Perez Balladares or Moscoso. The four justices who did not vote for Solis were nominated by Torrijos or were independent. We also heard from a good source that Perez Balladares's supporters called newspaper editors about the "slam dunk" against Torrijos. End note.)

¶2. (SBU) Solis, an active member of the Revolutionary Democratic Party (PRD) prior to becoming an electoral prosecutor, was a political advisor to and housing minister under President Perez Balladares. He was so well known as a Perez Balladares (known as "El Toro") supporter that his nickname was "Toro Boy." Solis also has family and professional ties to both Perez Balladares and Moscoso. However, Solis is widely regarded as having been fair and independent during his tenure as an electoral prosecutor. Opposition political parties and civil society groups have been largely satisfied by Solis's nomination to the Tribunal. One labor leader remarked that although he thought Perez Balladares and Moscoso had engineered the nomination, he expected that Solis would be as impartial in his new position as he had been as a prosecutor.

¶3. (SBU) The National Assembly and the Executive Branch will shortly name their picks for the Tribunal. According to political contacts, it is expected that the Assembly will rename current Magistrate Pinilla, also a former active PRD member, for another term. Torrijos is rumored to favor lawyer and non-political party member Enrique de Obarrio as his choice for the Tribunal. (Note: Obarrio was originally critical of Torrijos as president. However, he has recently been quoted in the media referring to Torrijos as "my president." End Note.) Current Magistrate and former

Panamenista member Allen has also been lobbying for another term.

¶4. (SBU) Comment: Having two or possibly three, depending on the Executive's nominee, former PRD members as magistrates could raise questions about the continued independence of the

Tribunal, an internationally respected body. However, given the strong track records of both Pinilla and Solis, it would be premature to draw any conclusions about possible PRD dominance of the Tribunal. Also, Torrijos is probably unlikely to name another PRD member to the Tribunal, as such a move could harm his public standing which had been challenged by recent scandals in the health and transportation sectors. Obarrio may be the ideal choice for the president given his non-political status and his possible support for Torrijos. Whatever the final makeup of the Tribunal may be, the Embassy will continue its outreach to the Tribunal. As one of the only truly independent institutions in the country, the Electoral Tribunal is vital in advancing democracy and transparency in Panama.

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